

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ROBERT J. RAMOLETE,

Plaintiff,

v.

IVY GAINES,

Defendant.

NO. C04-1730P

ORDER OF DISMISSAL

Plaintiff filed a document construed to be a 42 U.S.C. §1983 complaint with this Court on August 4, 2004 (Dkt. Nos. 6 and 11). The Court dismissed this cause of action without prejudice on February 25, 2005, citing the fact that several mailings to Plaintiff had been returned and Plaintiff had filed no updated address with the Court. On July 20, 2005, Plaintiff filed a response to the Magistrate Judge's Report and Recommendations, which had been noted for January 28, 2005, and which had formed the basis for the dismissal of this case (Dkt. No. 14). Although this filing was made almost seven months after the due date for the filing, the Court will consider it in light of the fact that Plaintiff, who is a federal prisoner, appears not to have received his mail and is proceeding *pro se*.

From the most recent filing, it appears that Plaintiff Ramolete is now being held in a Federal detention center in the state of Hawaii. The Court suspects, but does not decide here, that Plaintiff's move from the Federal Detention Center in SeaTac, WA, to a federal facility in Hawaii, may defeat this Court's jurisdiction over this matter. Nonetheless, the Court has reviewed the merits of Plaintiff Ramolete's most recent filing and finds that it does not contain any arguments that are responsive to the Report and Recommendations on which this Court based its previous dismissal of this case.

1 Further, nothing in this recent filing supports any of the previous claims that Plaintiff made to this
2 Court. Therefore, the Court hereby AFFIRMS its previous dismissal of this case.

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4 The clerk is directed to send copies of this order to all counsel of record.

5 Dated: August 1, 2005

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8 Marsha J. Pechman
9 United States District Judge
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